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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91196008
Party	Defendant Nuvento
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Submission	Answer
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Date	09/20/2010
Attachments	pivotsharp.01.pdf (4 pages)(67158 bytes)

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

SHARP KABUISHIKI KAISHA,

Opposer

v.

NUVENTO,

Applicant

In the matter of
Application Serial No. 77/700,778
For the mark: PIVOTSHARP

Published in the Official Gazette
On April 13, 2010

Opposition No. 91196008

ANSWER

ANSWER

Nuvento, by and through its undersigned counsel, answers the Notice of Opposition as follows:

1. Applicant lacks sufficient knowledge to admit or deny these assertions of fact made by Opposer.
2. Applicant lacks sufficient knowledge to admit or deny these assertions of fact made by Opposer.
3. Applicant lacks sufficient knowledge to admit or deny these assertions of fact made by Opposer.
4. Denied.
5. Denied.

Answer
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6. Denied.
7. Denied.
8. Denied.
9. Denied.
10. Denied.

AFFIRMATIVE DEFENSES

In further Answer to the Notice of Opposition, Applicant pleads the following affirmative defenses:

11. The Notice of Opposition fails to state a claim upon which relief may be granted.
12. Opposer lacks standing to oppose this application.
13. Opposer's claims may be barred because there is no likelihood of confusion, mistake or deception; because the goods and services are provided in different channels of trade; because no actual confusion, mistake or deception has or will occur; or because Opposer is unable to prove priority of use.
14. Opposer's claims may be barred due to one or more of the following defenses: waiver, laches, estoppel, acquiescence, fair use, fraud, misuse, mistake, prior registration or unclean hands.
15. Applicant also asserts that it may be entitled to registration within a certain geographic region or certain channel(s) of trade.

Answer

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16. Applicant reserves the right to assert additional affirmative defenses as they may become known through the process of discovery.

WHEREFORE, Applicant prays that the Notice of Opposition be dismissed, and that this opposition proceeding be sustained in favor of Applicant.

Applicant has appointed Brian R. Gibbons, an attorney admitted to practice before the Supreme Court of the State of Florida, whose principal office is located at 3936 S. Semoran Blvd, Suite 330, Orlando, Florida 32822-4015, as its duly authorized agent and attorney in the matter of this opposition, with full power of substitution and revocation, to transact all business with the Patent and Trademark Office and elsewhere in the United States courts, to sign all papers which may be hereinafter filed, and to receive all communications.

Respectfully submitted,



Brian R. Gibbons
Attorney for Applicant

09/20/2010

Date

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Answer

TTAB Opposition No. 91196008

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CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing document is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to Robert W. Adams, Nixon & Vonderhde P.C., 901 North Glebe Road, 11th Floor, Arlington, VA 22203-1808, this 20th day of September, 2010.



Brian R. Gibbons
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CERTIFICATE OF TRANSMISSION

I hereby certify that this document is being electronically transmitted to the Trademark Trial and Appeal Board through the Electronic System for Trademark Trials and Appeals (ESTTA) on the date indicated below.

Date: September 20, 2010



Brian R. Gibbons
Attorney for Applicant